



TIGARD CITY COUNCIL
MEETING

OCTOBER 18, 2005 6:30 p.m.

TIGARD CITY HALL
13125 SW HALL BLVD
TIGARD, OR 97223



PUBLIC NOTICE:

Anyone wishing to speak on an agenda item should sign on the appropriate sign-up sheet(s). If no sheet is available, ask to be recognized by the Mayor at the beginning of that agenda item. Citizen Communication items are asked to be two minutes or less. Longer matters can be set for a future Agenda by contacting either the Mayor or the City Manager.

Times noted are estimated; it is recommended that persons interested in testifying be present by 7:15 p.m. to sign in on the testimony sign-in sheet. Business agenda items can be heard in any order after 7:30 p.m.

Assistive Listening Devices are available for persons with impaired hearing and should be scheduled for Council meetings by noon on the Monday prior to the Council meeting. Please call 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

Upon request, the City will also endeavor to arrange for the following services:

- Qualified sign language interpreters for persons with speech or hearing impairments; and
- Qualified bilingual interpreters.

Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the City of your need by 5:00 p.m. on the Thursday preceding the meeting by calling: 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

SEE ATTACHED AGENDA

A G E N D A
TIGARD CITY COUNCIL MEETING
OCTOBER 18, 2005

6:30 PM

1. **WORKSHOP MEETING**
 - 1.1 Call to Order - City Council & Local Contract Review Board
 - 1.2 Roll Call
 - 1.3 Pledge of Allegiance
 - 1.4 Council Communications & Liaison Reports
 - 1.5 Call to Council and Staff for Non-Agenda Items

2. **JOINT MEETING WITH THE SENIOR CENTER BOARD**
 - a. Staff Report: Administration Staff
 - b. Council and Senior Center Board Discussion

3. **CITY COUNCIL MEETING WILL RECESS**

A meeting between the City Council, City Center Development Agency,(an urban renewal agency), and the Planning Commission will convene.

4. **CITY COUNCIL MEETING WILL RECONVENE**

5. **DISCUSSION OF E-MAIL REQUIREMENTS RELATING TO PUBLIC RECORDS AND PUBLIC MEETINGS**
 - a. Staff Report: Finance Staff
 - b. Council Discussion

6. **UPDATE ON WASHINGTON COUNTY COOPERATIVE LIBRARY SERVICES**
 - a. Staff Report: Library Staff
 - b. Council Discussion

7. UPDATE ON ENHANCED CITIZEN INVOLVEMENT OPPORTUNITIES
 - a. Staff Report: Administration Staff
 - b. Council Discussion

8. DISCUSSION OF BRANDING/GRAPHIC IDENTITY DESIGN CONCEPTS
 - a. Staff Report: Administration Staff
 - b. Council Discussion

9. COUNCIL LIAISON REPORTS

10. NON AGENDA ITEMS

11. EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

12. ADJOURNMENT

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AGENDA ITEM # _____
FOR AGENDA OF 10/18/05

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Joint Meeting with Senior Center Board

PREPARED BY: Loreen Mills Green DEPT HEAD OK cl CITY MGR OK cl

ISSUE BEFORE THE COUNCIL

Annual joint meeting with the Senior Center Director & Board.

STAFF RECOMMENDATION

No action is anticipated.

INFORMATION SUMMARY

City of Tigard and Loaves and Fishes have been partners in operating the Tigard Senior Center for more than 20 years. Each year during the fall, the City Council and Tigard Senior Center Director & Board meet to provide an open forum to discuss the types of programs being delivered to the significant multi-cultural senior population in our community.

As discussed during previous visits, one of the challenges for the City and Loaves and Fishes at the Tigard Senior Center is to keep current service and program needs relevant for today's senior population while preparing to meet the escalating demands for services and programs as the "baby boomers" mature. Tigard's population of 65 and older is over 10% with the baby boomers making up another 22% of our population base.

Knowing the service and program needs are on the rise and space is limited at the existing Senior Center, the City has received preliminary approval for a \$450,000 CDBG Grant for Center improvements. The plan is to apply for the grant in October, 2006 and begin the remodel project shortly after 7/1/07. There is \$450,000 identified in the City's 5-year CIP budget and financial forecast to match this grant and Loaves and Fishes is committed to raising \$100,000. The Senior Center Director will explain some of the process in place for achieving the space improvements at the Center.

The Senior Center operation continues to be run *very* cost effectively and the Center is very successful in fundraising, however, these efforts alone will not be enough to meet the "baby boomer" explosion on the senior service industry.

OTHER ALTERNATIVES CONSIDERED

N/A

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

ATTACHMENT LIST

N/A

FISCAL NOTES

The City currently funds the Senior Center operation by providing cash in the amount of \$20,000 in this fiscal year and in-kind services valued at about \$66,100. In-kind services include utilities (other than phone), janitorial services, public works staff time and materials for building maintenance, etc.

The total budget (excluding City in-kind services) at Tigard Senior Center for Tigard Loaves & Fishes for last year was about \$270,000. The resources taken in at the Center was just under \$182,000. That includes money from contracts held by Loaves & Fishes for the senior nutrition program (\$78,000), money from people who eat the meals (\$38,000) and interest on the Center's endowment of almost \$9,500. Additional projects, pancake breakfast, and sales brought in an additional \$10,000. With the \$20,000 from the City of Tigard there was still a shortfall of almost \$89,000 for the day-to-day operations. That support came from funds raised by the Loaves & Fishes Centers Incorporated. The Loaves & Fishes support totaled \$132,000 due to all the government contract money coming through L&F contracts.

Over and above the budgeted funds mentioned above, it is important to also recognize the contract for client services that supplies so much for seniors and their families through the work that our coordinator does in the community. Also, there is savings for the Tigard Center because we get our food through an operation that prepares 4,000+ meals a day.

There is \$450,000 identified in the City's 5-year CIP budget and financial forecast to match this grant and Loaves and Fishes is committed to raising \$100,000.

AGENDA ITEM # _____
FOR AGENDA OF October 18, 2005

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Discuss E-Mail Requirements Relating to Public Records and Public Meetings
PREPARED BY: N. Robinson, C. Wheatley DEPT HEAD OK RO CITY MGR OK CR

ISSUE BEFORE THE COUNCIL

Review the use of e-mail and the requirements of the Public Records and Public Meetings Law.

STAFF RECOMMENDATION

Receive information from staff.

INFORMATION SUMMARY

Many users have come to rely on e-mail as a convenient and efficient communication tool. Oregon's Public Records and Public Meetings Law apply to e-mail in state and local agencies.

Public Records: Given the broadness of the definitions in Oregon's laws, e-mail clearly has the potential to be public record. Although some messages may not fall under the definition of public record, the City's policy encourages staff to assume the public has the right to view the information. The privacy afforded government employees or officials using an e-mail system to conduct City related business is minimal and there should be no expectation of privacy. The only privacy that can be expected is that afforded through disclosure exemptions. (Example: City litigation files when a complaint has been filed.) The recent debate between the City of Beaverton and Nike regarding personal computers and public records clarified that regardless of where a record is created or stored, if it is generated during the course of conducting City business, the record created is a public record.

Public Meetings: The Oregon Attorney General Public Records and Meetings Manual states that communications between and among a quorum of members of a governing body convening on electronically linked personal computers are subject to the Public Meetings Law if the communications constitute a decision or deliberation toward a decision for which a quorum is required, or the gathering of information on which to deliberate.

Additional information on public records and public meetings has been prepared in the attached document entitled, *E-Mail and Local Government: Public Records and Public Meetings Law*.

Key Points:

1. E-mail clearly has the potential to be a public record.
2. E-mail cannot be used to discuss a City issue by a quorum of the governing body.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Community Character and Quality of Life: Goal #1 – The City will maximize accessibility to information in a variety of formats, providing input on community issues and effective two-way communication.

ATTACHMENT LIST

E-Mail and Local Government: Public Records and Public Meetings Laws

FISCAL NOTES

N/A

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E-Mail & Local Government Public Records and Meetings Laws

What is public record?

Public record can include any information created, shared or used in the course of City business. The format of the information is not relevant in determining whether information is public record.

Oregon Revised Statute 192.005 (5) states that, "Public record" includes, but is not limited to, a document, book, paper, photograph, file, sound recording or machine readable electronic record, regardless of physical form or characteristics, made, received, filed or recorded in pursuance of law or in connection with the transaction of public business, whether or not confidential or restricted in use."

192.410 (4)(a) further states, that "Public record" includes any writing containing information relating to the conduct of the public's business, including but not limited to court records, mortgages, and deed records, prepared, owned, used or retained by a public body regardless of physical form or characteristics."

Given the broadness of the definitions in Oregon's laws, e-mail clearly has the potential to be public record. Although some messages may not fall under the definition of public record, the City's policy encourages staff to assume the public has the right to view the information. The privacy afforded government employees or officials using an e-mail system to conduct City related business is minimal and there should be no expectation of privacy. The only privacy that can be expected is that afforded through disclosure exemptions. (Example: City litigation files when a complaint has been filed.)

This year we have seen debate in the courts about the privacy government officials can expect when they use their home computers to read and respond to e-mail related to City business. In the City of Beaverton, government officials were required to allow their personal computers to be searched for records related to discussions of annexation. A similar scenario is possible in Tigard if you use your personal computer in your role as a City Councilor. Limited protection of privacy was given in the last legislative session when the legislature clarified that records not relating to the conduct of the public's business, which are stored on a privately owned computer, are not public records.

In addition to records that are created or shared by government employees or officials, records prepared outside the government agency that contain "information relating to the conduct of the public's business," and are "owned, used or retained" by the public body, can also be within the scope of the Public Records Law. (Example: contracted agency preparing public relations materials.) A document prepared by a private entity does not become a public record unless a public official uses or retains the document in

the course of official business. (Example: advertisements) Source: Attorney General's Public Records and Meetings Manual.

Public's right to inspect records

Oregon does not have a general privacy law. Our laws favor open disclosure of records. E-mail is considered a type of correspondence and like other forms of public record it must be made available to any member of the public upon request. Unless an e-mail message falls within one of the specific exemptions described in the public records statute, public officials are obligated to provide access to e-mail in compliance with the public records law.

State statute requires that the public be offered a reasonable opportunity to inspect records. The public is not required to state why they would like to review the record or to have a "legitimate" need for public records to be entitled to inspect them.

Retention

As a City we have an obligation to apply the appropriate retention to the e-mail that you as a public official send and receive. Again, the retention requirements apply to records that are either created or received "in connection with the transaction of public business."

E-mail itself is not considered a records series. Instead the retention for each e-mail has to be determined based on the administrative, legal, fiscal or historical value of the information.

If an e-mail relates to a specific program or issue, the e-mail will be printed and kept with the file. The retention for an e-mail is the same as it is for the complete file. E-mail that does not relate obviously or directly to a program will be filed as general correspondence. Any attachments to an e-mail will be filed with the original e-mail according to their function and content.

E-Mail and Public Meetings Law

ORS 192.620 establishes Oregon policy of open decision making by governing bodies:

The Oregon form of government requires an informed public aware of the deliberations and decisions of governing bodies and the information upon which such decisions were made. It is the intent of ORS 192.610 to 192.690 that decisions of governing bodies are arrived at openly.

E-mails, instant messaging and chat rooms not only represent a potential violation of public meetings law if a quorum of Council participates, but there is a potential violation of public records law unless the information is stored and can be retrieved.

The Oregon Attorney General (AG) Public Records and Meetings Manual (Manual) states that communications between and among a quorum of members of a governing body convening on electronically linked personal computers are subject to the Public Meetings Law if the communications constitute a decision or deliberation toward a decision for which a quorum is required, or the gathering of information on which to deliberate.

The AG Manual acknowledges that strict compliance with the substantive requirements of the Public Meetings Law frequently may "sacrifice speed and spontaneity for more process and formality." Nonetheless, the law's requirements generally will not interfere with a public body's administration. The key requirements of the Public Meetings Law are to hold meetings:

- that open to the public, unless an executive session is authorized
- where notice of the meeting has been given
- minutes taken (or otherwise record the meeting)
- where requirements regarding location, voting, and accessibility for disabled persons have been met

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Update on Washington County Cooperative Library Services (WCCLS)

PREPARED BY: Margaret Barnes DEPT HEAD OK *MB* CITY MGR OK *cl*

ISSUE BEFORE THE COUNCIL

The purpose of this presentation is to provide City Council information about a potential WCCLS operating levy on the November 2006 ballot.

STAFF RECOMMENDATION

This is an informational item.

INFORMATION SUMMARY

Over the past several years public libraries in Washington County have experienced significant increases in use. At the same time, libraries have experienced a reduction in hours and services. The new Tigard Library has been open for 14 months and has experienced a dramatic increase in use even with the reduction of hours.

This potential levy would provide funding to maintain existing services and restore services and programs that have been reduced at Tigard and countywide.

At this meeting, Council will be presented additional information about the potential levy.

OTHER ALTERNATIVES CONSIDERED

None.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Goal #2 A wide array of opportunities for life-long learning are available in a variety of formats and used by the community.

ATTACHMENT LIST

None.

FISCAL NOTES

Not yet determined.

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE UPDATE – ENHANCED CITIZEN INVOLVEMENT OPPORTUNITIES

PREPARED BY: Liz Newton 11/2 DEPT HEAD OK CL CITY MGR OK CL

ISSUE BEFORE THE COUNCIL

Update Council on the City's enhanced Citizen Involvement opportunities.

STAFF RECOMMENDATION

Provide input on the expanded neighborhood program implementation and review information presented on Family Week, the Citizen Leadership Series, the webpage and the activities of the Committee for Citizen Involvement.

INFORMATION SUMMARY

Since the last update provided to Council in April, a couple of new citizen involvement opportunities have been implemented:

A citizen committee planned Tigard's first Family Week event. This was an opportunity for citizens to connect around a variety of community activities.

Currently, 16 community members are enrolled in the Citizen Leadership Series – an eight week series that covers topics including budgeting, transportation, community planning, public works, public safety and citizen involvement. The series will conclude with a group project next spring that addresses a current local issue.

The Committee for Citizen Involvement (CCI) begin meeting monthly in June. Their agendas have covered topics including Enhanced Neighborhood Program, the neighborhood meeting process, Urban Renewal and outreach to the Hispanic community.

Use of the Webpage continues to increase. In September there were 82,861 visits and 891,503 hits on the City's website. This is up from 76,225 visits and 885,510 hits in April. New features implemented in the past six months include RSS, which allows the user to subscribe and have specific information delivered to their computer and live webcasts of City Council business meetings.

Three neighborhoods have been selected for the Enhanced Neighborhood Program. Volunteers that reside in these three areas have been contacted to participate in meetings to help establish the program structure. Rollout of the full program is scheduled for late January or early February 2006.

OTHER ALTERNATIVES CONSIDERED

None

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Communication Goals

#1) Citizen Involvement opportunities will be maximized by providing educational programs on process, assuring accessibility to information in a variety of formats, providing opportunities for input on community issues, and establishing and maintaining a program of effective two-way communication.

Volunteerism Goals

#1) City will maximize the effectiveness of the volunteer spirit to accomplish the greatest good for our community.

ATTACHMENT LIST

N/A

FISCAL NOTES

AGENDA ITEM # _____
FOR AGENDA OF October 18, 2005

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE DISCUSSION OF BRANDING/GRAPHIC IDENTITY DESIGN CONCEPTS

PREPARED BY: Elizabeth A. Newton ENM DEPT HEAD OK J CITY MGR OK J

ISSUE BEFORE THE COUNCIL

Council review of branding/graphic identity design concepts.

STAFF RECOMMENDATION

Review the design concepts and provide further direction for development of a final design..

INFORMATION SUMMARY

City Council has contracted with Marcusen Design to assist in the development of a new graphic identity for the City. Initial discussions on some concepts were held on July 12, July 19 and September 20, 2005. Based on the feedback Council provided at the September 20 workshop meeting, Mr. Marcusen will present refinement of designs for Council to review and provide direction. A final design will then be developed.

OTHER ALTERNATIVES CONSIDERED

N/A

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

ATTACHMENT LIST

N/A

FISCAL NOTES

The contract with Marcusen Design is not to exceed \$10,500.